

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAYMOND JACKSON,

Plaintiff

v.

NDOC MEDICAL, *et al.*,

Defendants

Case No. 2:23-cv-01112-APG-VCF

ORDER

I. DISCUSSION

On August 3, 2023, the Court denied Plaintiff's application to proceed *in forma pauperis* as incomplete and directed Plaintiff to file a new fully complete application to proceed *in forma pauperis* or pay the \$402 filing fee. (ECF No. 4). In response, Plaintiff filed another incomplete application to proceed *in forma pauperis* (ECF No. 6). Plaintiff has not submitted a financial certificate or a trust fund account statement for the previous six-month period.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
 2 See 28 U.S.C. § 1915(b).

3 Plaintiff included a cover letter in which he states that he has attempted to obtain the
 4 proper documents, but that for some reason they come back to him incomplete. (ECF No.
 5 6-1.) Plaintiff requests that the Court assist him in getting the proper paperwork. (*Id.*) The
 6 Court denies Plaintiff's request that the Court assist him in getting the proper paperwork.
 7 However, if Plaintiff cannot get a financial certificate and inmate account statement for the
 8 previous six-month period from prison officials, Plaintiff may file a declaration detailing when
 9 he requested the documents, who he spoke to about the status of the documents, who he
 10 followed up with after he did not receive the documents, and their responses. Plaintiff's
 11 declaration shall include dates of his requests, dates of his follow-up requests, names of
 12 the prison officials that he spoke to about the matter, and their responses. If Plaintiff's
 13 declaration demonstrates that he has done all that was possible to acquire the documents
 14 from prison officials, the Court will consider his application to proceed *in forma pauperis*
 15 complete.¹

16 The Court will grant Plaintiff an extension of time until **December 12, 2023**, to
 17 either pay the filing fee, file a complete financial certificate and a trust fund account
 18 statement for the previous six-month period, or file a declaration detailing Plaintiff's efforts
 19 to obtain the documents.

20 **II. CONCLUSION**

21 For the foregoing reasons, IT IS ORDERED that Plaintiff's incomplete application
 22 to proceed *in forma pauperis* (ECF No. 6) is denied without prejudice.

23 It is further ordered that Plaintiff has **until December 12, 2023**, to either pay the
 24 full \$402 filing fee, file a complete financial certificate and a trust fund account statement
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26
 27 ¹ Plaintiff must still submit the first three pages of the application to proceed *in forma*
 28 *pauperis* on this Court's approved form with his declaration. If Plaintiff does not submit the
 first three pages of the application to proceed *in forma pauperis* with the declaration, the
 Court will recommend dismissal of this case without prejudice for Plaintiff to open a new
 case when he is able to acquire the required documents.

1 for the previous six-month period, or file a declaration detailing Plaintiff's efforts to obtain
2 the documents.

3 It is further ordered that the Clerk of the Court will send Plaintiff the approved form
4 application to proceed *in forma pauperis* by an inmate, as well as the document entitled
5 information and instructions for filing an *in forma pauperis* application.

6 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
7 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
8 to refile the case with the Court, under a new case number, when Plaintiff can file a
9 complete application to proceed *in forma pauperis* or pay the required filing fee.

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11 DATED: 10-13-2023 _____

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14 UNITED STATES MAGISTRATE JUDGE
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